IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 325 of 2007 (S/B)

Smt. Kalawati w/o Dhumilal @ Dhumesh Kumar Sanwal,
R/o Old Kachhari Road, Uttarkashi,
District Uttarkashi ……. Petitioner

Versus

1. State of Uttarakhand through its Secretary,
Rural Development, Uttarakhand, Dehradun.

2. Chief Development Officer, Dehradun.

3. Project Director,
District Rural Development Agency,
Dehradun.

4. Block Development Officer, Sahaspur,
District Dehradun. ……. Respondents

…….

Sri B.S. Negi, Advocate for the petitioner.
Sri J.P. Joshi, Chief Standing Counsel for the respondents.

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Sri B.S. Negi, Advocate for the petitioner.
Sri J.P. Joshi, Chief Standing Counsel for the respondents.

2. Sri J.P. Joshi, the learned Chief Standing Counsel, placing reliance on the Division Bench decisions of this Court in the cases of **Bhuwan Chandra Pandey and others Vs. State of Uttaranchal and others** reported in **2006 (2) U.D. 439** and **Nanda Ballabh Pant Vs. State of Uttaranchal and others (W.P. No. 257 (S/B) 2005),** has raised a preliminary objection about the maintainability of the writ petition as the petitioner has an alternative efficacious remedy of filing a claim petition before the Public Services Tribunal.

3. Sri B.S. Negi, the learned counsel for the petitioner could not demonstrate as to how the alternative remedy of filing a claim petition before the Public Services Tribunal is not efficacious in the present case.

4. In this view of the matter and following the Division Bench decisions of this Court in the cases of **Bhuwan Chandra Pandey and others Vs. State of Uttaranchal and others** reported in **2006 (2) U.D. 439** and **Nanda Ballabh Pant Vs. State of Uttaranchal and others (W.P. No. 257 (S/B) 2005),** we decline to exercise out discretionary jurisdiction under Article 226 of the Constitution of India.

5. The writ petition, therefore, is dismissed with the liberty to the petitioner to avail the alternative remedy of filing a claim petition before the Public Services Tribunal for the redressal of the petitioner's Grievances projected in the writ petition.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C.J.)**
28.12.2007 28.12.2007

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